

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMG NAT'L TRUST BANK,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 06-CV-4337
	:	
STEPHEN C. RIES,	:	(consolidated with
	:	NO. 09-CV-3061)
Defendant.	:	

ORDER

AND NOW, this 20th day of July, 2011, upon consideration of Plaintiff's Second Motion for Contempt (Doc. No. 103), Defendant's response in opposition thereto (Doc. No. 120), and Plaintiff's reply in further support thereof (Doc. No. 123); Plaintiff's Expedited Motion for Sanctions for Defendant's Destruction of Evidence (Doc. No. 101), Defendant's response in opposition thereto (Doc. No. 121), and Plaintiff's reply in further support thereof (Doc. No. 124); and Defendant's Cross-Motion for Sanctions (Doc. No. 106), Plaintiff's response in opposition thereto (Doc. No. 125), and Defendant's reply in further support thereof (Doc. No. 127); after a hearing at which both sides appeared and a review of the parties' supplemental briefs (Docs. Nos. 141, 142-2, 143); and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that

1) Plaintiff's Second Motion for Contempt is GRANTED IN PART as follows:

a) Defendant Ries is adjudged in civil contempt of the temporary restraining order issued on October 3, 2006

(Doc. No. 8), and the preliminary injunction issued on September 13, 2007 (Doc. No. 38).

b) Defendant shall pay Plaintiff's attorneys' fees and costs associated with the Second Motion for Contempt. Plaintiff shall submit documentation of the costs and expenses for which it seeks reimbursement within fourteen (14) days of the entry of this Order.

c) Plaintiff's request for imposition of a fine and referral to the United States Attorney's Office is denied.

2) Plaintiff's Motion for Sanctions is GRANTED as follows:

a) Defendant is compelled to pay for a forensic examination and restoration of his Dell computer.

b) Defendant shall pay Plaintiff's attorneys' fees and costs associated with the Motion for Sanctions. Plaintiff shall submit documentation of the costs and expenses for which it seeks reimbursement within fourteen (14) days of the entry of this Order.

c) The Court will give an adverse-inference spoliation instruction at trial.

3) Defendant's Cross-Motion for Sanctions is DENIED.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, C.J.